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October 19, 2007

VIA HAND DELIVERY

Washington Metropolitan Area Transit Authority
Board of Directors
Elizabeth M. Hewlett, Chair
600 Fifth Street, N.W.
Washington, D.C. 20001

Mr. John B. Catoe, Jr.
Washington Metropolitan Area Transit Authority
600 Fifth Street, N.W.
Washington, D.C. 20001

Re: **Docket Number R06-5**

Dear Ms. Hewlett and Mr. Catoe:

I am writing on behalf of the City of Takoma Park in support of Mayor Kathy Porter's request that you review the City's alternative site plan for the Takoma Metro station. WMATA Associate General Counsel Edward Maginnis advised me that neither the WMATA Board nor WMATA staff can consider our site plan because it was not submitted within the deadline for the public to comment on the Staff Report. I find this assertion troubling for several reasons.

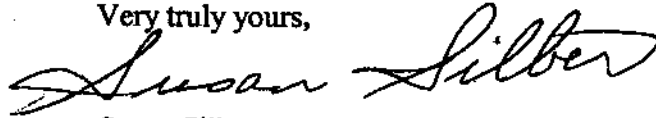
First, the enclosed site plan does not address or relate to the Staff Report in any way.

Second, I am unaware of a written policy establishing a specific period of time in which to respond to a Staff Report. Indeed, the Staff Report, which was not completed until more than ten months after the Compact Hearing, states that the public must submit responsive comments by September 25, 2007, and then, without explanation, the comment period was extended until October 5, 2007. The Board's Rules of Procedure do not establish a deadline for the submission of materials relating to an agenda item before the Board, and Rule IV.D clearly contemplates last minute additions to the materials provided to the Board.

Third, this proceeding does not involve a closed record. Neither the Board's Rules of Procedure nor the Compact prohibit *ex parte* contact with Board members regarding agenda items or require that the Board make decisions based solely on a defined record. The development of the station is an important legislative decision that should be based on all of the information available to the Board—not just the information submitted before an artificial deadline.

Accordingly, the Board clearly has the authority to consider the City's site plan prior to voting on the development of the Takoma station. I ask that you review and analyze the plan, which provides significant improvements over the EYA plan now before you.

Very truly yours,

A handwritten signature in black ink that reads "Susan Silber". The signature is fluid and cursive, with the first name "Susan" and last name "Silber" clearly distinguishable.

Susan Silber
City Attorney
City of Takoma Park, Maryland

cc: Carol B. O'Keefe
General Counsel
Washington Metropolitan Area
Transit Authority

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